

FILED

IN THE CHANCERY COURT, STATE OF WYOMING

2024 WYCH 9

Michael A, Layne, and
Hood Skinz LLC,

Plaintiffs,

v.

Joel Justin West,
Quiet Hoods LLC, and
West Oil Transfer Inc.,

Defendant.

Case No. CH-2024-0000014

Order of Dismissal

[¶1] On October 7, 2024, the court acknowledged defendants Quiet Hoods LLC and Joel Justin West's objection (FSX No. 74676712) to this matter proceeding in chancery court. The court granted plaintiffs Hood Skinz LLC and Michael A Layne seven days to show cause why this case should not be dismissed without prejudice under W.R.C.P.Ch.C 3(a).

[¶2] Both responded on October 14, asking permission to proceed solely against defaulting defendant West Oil Transfer Inc. on two alternative grounds (FSX No. 74756460). First, plaintiffs propose that the court rely on *Aishangyou Ltd. v. Wetrade Grp., Inc.*, 2024 WYCH 4 (Wyo. Ch. C. 2024) to dismiss the objecting defendants under W.R.C.P.Ch.C. 41(a)(2) and thereby render their objections moot. Second, plaintiffs ask that the court issue a final judgment against West Oil Transfer Inc. under W.R.C.P.Ch.C. 54(b) before dismissing the case on account of Quiet Hoods LLC and Joel Justin West's Rule 3(a) objection.

[¶3] The court denies both requests and dismisses the case.

[¶4] As plaintiffs acknowledge, W.R.C.P.Ch.C. 3(a) *requires* the dismissal of proceedings, without prejudice, “[i]f any party files an objection to having the matter proceed in chancery court on or before the date its first responsive pleading or motion to dismiss is due[.]” Plaintiffs do not appear to dispute that Quiet Hoods LLC and Joel Justin West are named defendants who filed an objection within Rule 3(a)’s timeframe—defendants’ objection states that they were served by publication and plaintiffs’ show-cause response does not say otherwise. This case is therefore distinguishable from *Aishangyou Ltd.*

[¶5] That case’s Rule 3(a) objection came from unserved third-party defendants. *Aishangyou Ltd.* at ¶ 10 (“[T]o date no proof of service on the third-party defendants has been filed in this case.”). The parties there disputed whether the objectors were “parties” within the meaning of Rule 3(a)—*Id.* at ¶ 13—but apparently did not raise Rule 14(a)(1)&(2). Those subsections suggest that a “nonparty” becomes a “third-party defendant” only upon service, meaning the objectors in *Aishangyou Ltd.* would not have been able to object under Rule 3(a) because they were not yet parties to the case. Their dismissal therefore made their improper objection moot. In any event, although chancery court opinions are published, they may not change the rules of procedure prescribed by the Wyoming Supreme Court. Wyo. Stat. § 5-13-104 (a), (f). The court may not disregard the mandatory dismissal required by Rule 3(a) here.

[¶6] Nor will the court issue a final default judgment against West Oil. Rule 54(b), addressing when the court may certify a partial judgment to be immediately appealable, does not fit this case. Its purpose is “to strike a balance between the strong preference against piecemeal appeals[] and the possible injustice that results by delaying entry of a final judgment in a multi-party action . . . until the resolution of the entire case.” *CIBC Nat’l Tr. Co. v. Dominick*, 2020 WY 56, ¶ 6, 462 P.3d 452, 455 (Wyo. 2020). Rule 54(b) certifications “are neither routine nor for the convenience of . . . the parties.” *Id.* (citing *Huggins v. FedEx Ground Package System, Inc.*, 566 F.3d 771, 774 (8th Cir. 2009)).

[¶7] Plaintiffs’ request fails this standard. Their reason for entering a final default judgment against West Oil at this time—why there is no just cause for delay—is because of the difficulty they had in serving the other two defendants in this case (i.e. seven attempts at personal service along with publication) and their suspicion

of similar challenges when serving those parties in district court. It's unclear, though, how the struggle to serve the objecting defendants relates to a final default judgment against the other defendant in this case; plaintiffs' argument raises no special circumstances meriting certification. Their express reason for certification is to spare them the hassle of service in district court, but the court may not and will not accommodate the parties' convenience through Rule 54(b) certification.

[¶8] Rule 3(a) is jurisdictional. Upon a valid, timely objection by a party, and absent a contractual agreement designating the chancery court as the forum for dispute, the court lacks authority to entertain other motions. *See* W.R.C.P.Ch.C. 3(a). Therefore, the court will not resolve the Motion for Partial Dismissal under W.R.C.P.Ch.C. 41(a)(2) filed with plaintiffs' show-cause response (FSX No. 74756460).

[¶9] The case is dismissed without prejudice.

Dated: October 25, 2024

/s/ Steven K Sharpe
Chancery Court Judge